

AMENDED IN ASSEMBLY JULY 10, 1997

AMENDED IN ASSEMBLY JUNE 25, 1997

AMENDED IN ASSEMBLY JUNE 9, 1997

AMENDED IN SENATE MARCH 31, 1997

**SENATE BILL**

**No. 373**

**Introduced by Senator Kelley**

February 13, 1997

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An act to add Section 106876 to the Health and Safety Code, and to amend Section 13627 of the Water Code, relating to water treatment.

LEGISLATIVE COUNSEL'S DIGEST

SB 373, as amended, Kelley. Wastewater treatment plant operators: water treatment plant operator certification.

Existing law requires supervisors and operators of municipal or private utility wastewater treatment plants, to possess a certificate of competency issued by the State Water Resources Control Board. Wastewater treatment plants are facilities that are used in the treatment or reclamation of sewage and industrial wastes.

Existing law requires all persons responsible for the operation of water treatment plants to possess an appropriate grade certificate issued by the State Department of Health Services. Water treatment plants are facilities that treat or condition a water supply, affecting the physical, chemical, or bacteriological quality of water distributed or otherwise offered to the public for domestic use.

Existing law permits the state board to approve *the* use of a water treatment plant operator of appropriate grade certified by the department, in lieu of a properly certified wastewater treatment plant operator, where water reclamation is involved.

This bill would instead permit the state board to approve, for supervisors and operators of water recycling treatment plants, *the use of* a water treatment plant operator of appropriate grade certified by the department in lieu of a wastewater treatment plant operator, provided that the state board may refuse to approve or revoke its approval of the use of an operator certified by the department if the operator commits certain prohibited acts.

This bill would authorize the department to suspend, revoke, or refuse to grant or renew any operator or operator-in-training certificate to operate or supervise the operation of a water treatment plant and place on probation or reprimand a certificate holder upon any reasonable grounds, including certain designated grounds. The bill would require the department to provide the certificate holder with a hearing prior to revocation of a valid operator certificate.

The bill would require a regional water quality control board having jurisdiction to enforce applicable water reclamation or waste discharge requirements to notify the department in writing if, pursuant to a prescribed inspection, it makes a determination that there are reasonable grounds for not issuing, or for suspending or revoking a certificate of a certified water treatment plant operator who is operating or supervising the operation of a water recycling treatment plant. By requiring the regional boards to notify the department, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.



This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 106876 is added to the Health  
2 and Safety Code, to read:  
3 106876. (a) The department may suspend, revoke, or  
4 refuse to grant or renew any operator or  
5 operator-in-training certificate to operate or supervise  
6 the operation of a water treatment plant or may place on  
7 probation or reprimand the certificate holder upon any  
8 reasonable grounds, including, but not limited to, any of  
9 the following:  
10 (1) The submission of false or misleading information  
11 on an application for a certificate or engaging in dishonest  
12 conduct during an examination.  
13 (2) The use of fraud or deception in the course of  
14 operating or supervising the operation of a water  
15 treatment plant or a water recycling treatment plant.  
16 (3) The failure to use reasonable care or judgment in  
17 the operation or supervision of the operation of a water  
18 treatment plant or a water recycling treatment plant.  
19 (4) The inability to perform operating duties properly  
20 in a water treatment plant or a water recycling treatment  
21 plant.  
22 (5) The failure to meet all requirements for certificate  
23 renewal.  
24 (6) The conduct of willful or negligent acts that cause  
25 or allow the violation of the Safe Drinking Water Act  
26 (Subchapter XII (commencing with Section 300f) of  
27 Chapter 6A of Title 42 of the United States Code) or the  
28 regulations and standards adopted pursuant to that act.  
29 (7) Willfully or negligently violating or causing or  
30 allowing the violation of waste discharge requirements or  
31 permits issued pursuant to the Federal Water Pollution

1 Control Act (33 U.S.C. Sec. 1251 et seq.) while operating  
2 a water recycling treatment plant.

3 (b) Prior to revocation of a valid operator certificate,  
4 the department shall provide the certificate holder with  
5 an opportunity for a hearing before the department.

6 (c) For purposes of this section, “water recycling  
7 treatment plant” means a treatment plant that receives  
8 and further treats secondary and/or tertiary effluent  
9 from a wastewater treatment plant.

10 SEC. 2. Section 13627 of the Water Code is amended  
11 to read:

12 13627. (a) Supervisors and operators of wastewater  
13 treatment plants shall possess a certificate of appropriate  
14 grade in accordance with, and to the extent  
15 recommended by the advisory committee and required  
16 by, regulations adopted by the state board. The state  
17 board shall develop and specify in its regulations the  
18 training necessary to qualify a supervisor or operator for  
19 certification for each type and class of plant. The state  
20 board may accept experience in lieu of qualification  
21 training. For supervisors and operators of water recycling  
22 treatment plants, the state board may approve use of a  
23 water treatment plant operator of appropriate grade  
24 certified by the State Department of Health Services  
25 pursuant to Article 3 (commencing with Section 106875)  
26 of Chapter 4 of Part 1 of Division 104 of the Health and  
27 Safety Code in lieu of a wastewater treatment ~~plan~~ plant  
28 operator certified by the state board, provided that the  
29 state board may refuse to approve use of an operator  
30 certified by the department or may suspend or revoke its  
31 approval of the use of an operator certified by the  
32 department if the operator commits any of the prohibited  
33 acts described in Article 7 of Chapter 26 of Division 3 of  
34 Title 23 of the California Code of Regulations.

35 (b) The regional water quality control board with  
36 jurisdiction for issuing and ensuring compliance with  
37 applicable water reclamation or waste discharge  
38 requirements shall notify the department in writing if,  
39 pursuant to an inspection conducted under Section 13267,  
40 the regional board makes a determination that there is



1 reasonable grounds for not issuing or for suspending or  
2 revoking the certificate of a certified water treatment  
3 plant operator who is operating or supervising the  
4 operation of a water recycling treatment plant. The  
5 department shall make its determination regarding the  
6 issuance, suspension, or revocation of a certificate in  
7 accordance with Section 106876 of the Health and Safety  
8 Code.

9 (c) For purposes of this section, “water recycling  
10 treatment plant” means a treatment plant that receives  
11 and further treats secondary and/or tertiary effluent  
12 from a wastewater treatment plant.

13 (d) A person employed as a wastewater treatment  
14 plant supervisor or operator on the effective date of  
15 regulations adopted pursuant to this chapter shall be  
16 issued an appropriate certificate if the person meets the  
17 training, education, and experience requirements  
18 prescribed by regulations.

19 (e) The state board may refuse to grant, suspend, or  
20 revoke any certificate issued by the state board to operate  
21 a wastewater treatment plant, or may place on probation,  
22 or reprimand, the certificate holder upon any reasonable  
23 ground, including, but not limited to, all of the following  
24 reasons:

25 (1) Submitting false or misleading information on an  
26 application for a certificate.

27 (2) The employment of fraud or deception in the  
28 course of operating the municipal or private utility  
29 wastewater treatment plant.

30 (3) A certificate holder’s failure to use reasonable care  
31 or judgment in the operation of the plant.

32 (4) A certificate holder’s inability to perform  
33 operating duties properly.

34 (5) Willfully or negligently violating, or causing, or  
35 allowing the violation of, waste discharge requirements  
36 or permits issued pursuant to the Federal Water Pollution  
37 Control Act (33 U.S.C. Sec. 1251 et seq.).

38 (f) The state board shall conduct all proceedings for  
39 the refusal to grant a certificate, and suspension or  
40 revocation of a certificate, pursuant to subdivision (c), in

1 accordance with the rules adopted pursuant to Section  
2 185.

3 SEC. 3. Notwithstanding Section 17610 of the  
4 Government Code, if the Commission on State Mandates  
5 determines that this act contains costs mandated by the  
6 state, reimbursement to local agencies and school  
7 districts for those costs shall be made pursuant to Part 7  
8 (commencing with Section 17500) of Division 4 of Title  
9 2 of the Government Code. If the statewide cost of the  
10 claim for reimbursement does not exceed one million  
11 dollars (\$1,000,000), reimbursement shall be made from  
12 the State Mandates Claims Fund.

13 Notwithstanding Section 17580 of the Government  
14 Code, unless otherwise specified, the provisions of this act  
15 shall become operative on the same date that the act  
16 takes effect pursuant to the California Constitution.

